

AN ACT

ENTITLED, An Act to provide for six-person juries in small claims actions.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That § 15-14-27 be amended to read as follows:

15-14-27. In any small claims action, pursuant to chapter 15-39, the jury shall consist of six persons. Unless otherwise agreed to by the parties, the jury's verdict or findings shall be rendered by five-sixths of the jury in the manner provided in §§ 15-14-28 and 15-14-29. The Unified Judicial System is authorized to execute a pilot program implementing the provisions of this Act in one judicial circuit of the state beginning on July 1, 1997, and to continue for a period of one year to determine the practicability and feasibility of providing the right to a jury trial in small claims actions. The Unified Judicial System shall prepare an impact analysis of the effects of this Act on the judicial system to be available during the 1998 legislative session. The provisions of this Act are repealed on July 1, 1998, unless reauthorized by the Legislature.

Section 2. That § 15-14-28 be amended to read as follows:

15-14-28. In the actions provided for in § 15-14-27, when the jury has agreed upon their verdict, they shall be conducted into court, their names shall be called by the clerk and the verdict shall be rendered by their foreman. The verdict shall be in writing signed by the foreman and shall be read by the clerk to the jury and the inquiry made whether it is their verdict. If two or more of the jury disagree, they shall be sent out again. If five of the jury agree to the verdict, it shall be the verdict of the jury and so recorded.

Section 3. That § 15-14-29 be amended to read as follows:

15-14-29. If neither party in an action provided for in § 15-14-27 requires the jury to be polled, the verdict is complete and the jury shall be discharged from the case. Either party may require the jury to be polled, which shall be done by the court or clerk asking each juror if it is his or her verdict. If more than one answers in the negative, the jury shall be sent out.

An Act to provide for six-person juries in small claims actions.

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I certify that the attached Act
originated in the

HOUSE as Bill No. 1068

Chief Clerk
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Speaker of the House

Attest:

Chief Clerk

President of the Senate

Attest:

Secretary of the Senate

House Bill No. 1068

File No. _____

Chapter No. _____

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Received at this Executive Office
this ____ day of _____ ,

19__ at ____ M.

By _____
for the Governor
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The attached Act is hereby
approved this _____ day of
_____, A.D., 19__

Governor
=====

STATE OF SOUTH DAKOTA,

ss.

Office of the Secretary of State

Filed _____, 19__
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State